IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPEAL NO.421 OF 1990

B.S. Rawat, Asstt.
Collector of Customs .. Appellant

versus

Abdul Karim Hussain Ali Sharhan
and Anr. .. Respondents

...

None for the appellant.

None for the respondent.

CORAM : V.M. KANADE, J

DATED : 29th October 2004.

ORAL ORDER:-

1. With the assistance of Shri D.P. Adsule, Learned APP, I have gone through the judgement and order passed by the trial Court on each count. The State has preferred this appeal for enhancement of the sentence. The learned APP has taken me through the judgement and order as also the evidence adduced by

the prosecution. The trial Court has observed that both the accused are citizens of Yemen and were not in a position to defend themselves. Therefore, the Court awarded sentence of 11 months as a special case. The gold which was recovered from them has been confiscated.

2. In my view, more than 14 years have passed after the order of acquittal. In all probability, the accused must have returned to their country. In the larger interest of justice, this Court would not like to interfere with the order passed by Addl.Chief Metropolitan Magistrate.

3. Appeal is dismissed.

V.M. KANADE, J